

REMARKS

This is in full and timely response to the Final Official Action of April 7, 2005. A Petition to Extend Time to Within the Third Month also accompanies this paper. To preserve pendency of this application pending consideration of this After Final Amendment, a Notice of Appeal is likewise filed herewith. Reexamination and reconsideration re respectfully requested.

Entry of this After Final Amendment is respectfully solicited under 37 C.F.R. §1.116 in that it prima facie places this application in condition for allowance and/or places this application in better form for appeal by overcoming the section 112 rejection, eliminates the section 101 rejection by canceling claim 19, reduces the claims on appeal by adding claim 20 while canceling claims 18 and 19. Entry of this paper is solicited.

Entry of this After Final Amendment is also respectfully solicited for an entirely different and persuasive reason. That is, the rejection in the Final Action was said to be necessitated by the Applicant's amendment and was characterized as a "new grounds of rejection". A liberal finding in favor of entry of this response to those new grounds of rejection is solicited in order to embellish the record and overcome those new grounds, or at least present on the record for appeal the views of the Applicant relative to those new grounds.

Priority Claim

The Action acknowledges the submission of the certified copy of the priority document.

Drawings

It is also noted with appreciation that the drawings filed on June 29, 2001 were accepted by the Examiner.

Information Disclosure Statement

It is noted that the Information Disclosure Statement filed on April 4, 2002, was fully considered by the Examiner.

Claims

Claims 16 to 19 were pending in this application at the preparation of the Final Action. By this amendment, claim 16 is extensively amended, while claim 17 is retained, and claim 20 is added in lieu of claims 18 and 19. Thus, claims 16, 17 and 20 remain pending for reconsideration.

Rejection of claim 19 under 35 USC §101

Without acquiescence in or agreement with this rejection, it is rendered moot by the cancellation of claim 19 without an introduction of a similar reference to an “eye” in amended claim 16.

Rejection of claims 16 to 19 under 35 USC §112

Without acquiescence in or agreement with this rejection, it is overcome by deleting “the” as a modifier in line 4 of claim 16 as amended.

Rejection of claims 16 to 19 under 35 USC §103

Pending claims 16 to 19 were rejected as allegedly being obvious in a section 103 sense over the patent to Appelbaum, No. 6,117,126. This rejection is traversed in that claim 16 is extensively amended to clearly distinguish it from Appelbaum, to the extent that it may remain arguably applicable. Claims 18 and 19 are canceled. To the extent that claims 16 (amended), 17 and newly-added claim 20 may arguably be rejected over Appelbaum, the following is noted.

Difference from the Cited Invention

Appelbaum et al. (US 6,117,126) disclose a system for controlling a plurality of ophthalmic microsurgical instruments connected thereto, which is a system capable of not only separately using a plurality of different connected microsurgical instruments but also simultaneously using two or more of them. However, since this system shares a computer unit having a flat panel display, a base unit housing a plurality of modules, a foot control assembly and the like for operating the microsurgical instruments, it is impossible to simultaneously use the microsurgical instruments separately at different locations.

In contrast, in the present invention, as reflected in the amended claims, systematization is made on a plurality of different apparatuses, which are used independently (i.e., separately at different locations) according to a main usage pattern, each apparatus having a specific treatment instrument, and are sometimes used consecutively at the same location depending on the kind of diseases, so that usability thereof is excellent in independent use as well as in consecutive use. To that end, in the system consistent with the present invention, each apparatus is provided with a setting unit, a footswitch, and control

means, for operating the treatment instrument therein, and such a configuration is made that the use of only the setting unit and the footswitch of one of the apparatuses allows operation of the treatment instruments in the respective apparatuses in the case of consecutive use. A mode-selection means is also recited for selecting one of a mode for the second treatment and a mode for the first treatment.

The recitation for the second treatment apparatus is amended to note its use of a second detecting means for detecting the connection with the first treatment apparatus via the recited communication unit. Extended language reciting the function of the first treatment apparatus when actuated and the second treatment apparatus when actuated and selected is now included. This construct for the amendment to claim 16 thus includes supporting functions for the first control means and the second control means, among other functional recitations, permitted under 35 USC §112, 6th paragraph.

Treatment using an apparatus for ablating tissue inside an eye such as a vitreous body is generally performed while a patient is on his/her back in an operating room. On the other hand, treatment using an apparatus for photocoagulating a part inside an eye such as a retina is generally performed while a patient is sitting in a dark room of an outpatient department. The photocoagulating apparatus is used together with the ablating apparatus in the operating room when performing treatment for retinal detachment, and the frequency of such combination use is significantly lower than the frequency of independent use of the photocoagulating apparatus. In a case where the system integrating the ablating apparatus and the photocoagulating apparatus as taught by Appelbaum et al. is installed in the operating room, another photocoagulating apparatus should be installed in the dark room of the outpatient department. In contrast, in the case of the system consistent with the present invention, it is essential only that only the ablating apparatus is installed in the operating

room, and the photocoagulating apparatus is installed in the dark room of the outpatient department and is moved when necessary to the operating room to be connected with the ablating apparatus. This is easily attained since the recent photocoagulating apparatus is made compact.

The Final Action included the finding that the stated screen colors feature and the claimed footswitch features were obvious. Support for the stated findings in the form of a reference or affidavit is respectfully requested. Moreover, it is not clear from the rejection as stated, where in the art the motivation is found for making the modifications proposed

Finally, amended claim 16, and thus claims 17 and 20 distinguish over Appelbaum for the structural and functional recitations for the various means claimed so that early Notice of Allowance is warranted and solicited.

Dated: October 6, 2005

Respectfully submitted

By

Ronald P. Kananen

Registration No.: 24,104

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant